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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH FOWLER,

Plaintiff,

v.

AETNA LIFE INSURANCE COMPANY;
THE PARSONS BRINCKERHOFF
GROUP ADM SHORT TERM
DISABILITY PLAN; THE PARSONS
BRINCKERHOFF GROUP ADM LONG
TERM DISABILITY PLAN, et al.,

Defendants.

Case No. C 08-03463 WHA

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO CONTINUE
TRIAL AND PRE-TRIAL DATES**

Date: September 10, 2009
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

STIPULATION

Plaintiff Elizabeth Fowler and Defendants Aetna Life Insurance Company, The Parsons Brinckerhoff Group ADM Short Term Disability Plan, The Parsons Brinckerhoff Group ADM Long Term Disability Plan, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. Currently, a bench trial for this matter is set for October 26 and 27, 2009, with pre-trial disclosures due September 25, 2009, discovery cut-off of September 30, 2009, and a final pre-trial conference on October 13, 2009. The parties have worked diligently and cooperatively to meet these deadlines.

2. Discovery that the Court granted Plaintiff leave to conduct included the deposition of Aetna employee Andres Matos. Mr. Matos' deposition was scheduled to take place on September 17, 2009, in Hartford, Connecticut. However, the mother of Plaintiff's counsel, Terrence J. Coleman, was unexpectedly hospitalized that week with the onset of a serious illness. In light of this, the parties agreed to continue Mr. Matos' deposition and are working to confirm a new deposition date for mid October.

3. Discovery that the Court granted Plaintiff leave to obtain included the peer review reports and other relevant claim documents for a statistical sample of 100 claimants for whom Lawrence Blumberg, M.D. provided a peer records review. Aetna has been obtaining said documents in good faith and producing said documents to Plaintiff on a rolling basis, but will unable to complete production of the sample documents before the September 30, 2009 discovery deadline. The parties agree that the sample documents must be reviewed in their entirety before the parties can disclose to the Court those portions that will be cited as exhibits for the bench trial.

4. In light of the foregoing, the parties stipulate to continue the applicable deadlines as follows:

- To extend the September 30, 2009 discovery cut-off insofar as to allow completion of Mr. Matos' deposition and the production of the documents for the sample of 100 claimants for whom Lawrence Blumberg, M.D. submitted a

report;

- To continue the trial dates from October 26 and 27, 2009, to **December 14 and 15, 2009;**
- To continue the final pretrial conference from October 13, 2009, to **November 24, 2009;**
- To continue the date for submitting pretrial disclosures from September 25, 2009, to **October 23, 2009;** and
- To continue the date for submitting the proposed pretrial order from October 6, 2009 to **November 18, 2009.**

The parties respectfully request the Court to adopt the foregoing dates or such other later dates available and convenient for the Court.

DATED: September 25, 2009

PILLSBURY & LEVINSON, LLP
BRIAN H. KIM

By: /s/ Brian H. Kim

BRIAN H. KIM
Attorneys for Plaintiff Elizabeth Fowler

DATED: September 25, 2009

GORDON & REES LLP
RONALD K. ALBERTS
TAD A. DEVLIN

By: /s/ Tad A. Devlin

RONALD K. ALBERTS
TAD A. DEVLIN
Attorneys for Defendants Aetna Life Insurance Company, the Parsons Brinckerhoff Group ADM Short Term Disability Plan, and the Parsons Brinckerhoff Group ADM Long Term Disability Plan

~~PROPOSED~~ ORDER

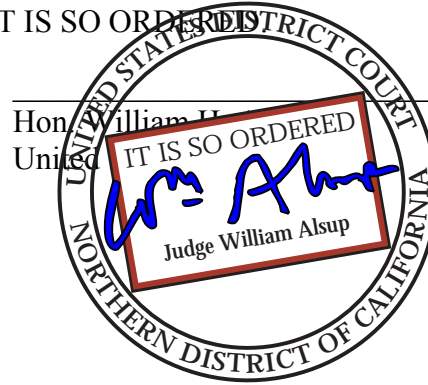
Upon consideration of the foregoing request, and with good cause appearing therefore,
IT IS HEREBY ORDERED that the trial and pre-trial dates are continued as follows:

- December 14 and 15, 2009 – Trial; **at 7:30 a.m.**
- November 24, 2009 – Final Pretrial Conference; **at 7:30 a.m.**

- October 23, 2009 – Last day to complete pretrial disclosures;
- November 18, 2009 – Last day to submit proposed pretrial order.
- The discovery cut-off of September 30, 2009, is extended insofar as to allow completion of Mr. Matos' deposition and the production of the documents for the sample of 100 claimants for whom Lawrence Blumberg, M.D. submitted a report.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 29, 2009



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